



General Assembly

Substitute Bill No. 6631

January Session, 2011

* ____HB06631PH____051111____ *

**AN ACT CONCERNING THE ISSUANCE OF A REPLACEMENT BIRTH
CERTIFICATE PURSUANT TO A GESTATIONAL AGREEMENT.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 7-48a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) For the purposes of this section, "birth mother" means a woman
4 who carries a child to birth for an intended parent or intended parents
5 pursuant to a gestational agreement where the woman is not
6 biologically or genetically related to the child.

7 [On and after January 1, 2002, each] (b) Each birth certificate, except
8 a replacement certificate created pursuant to subsection (c) of this
9 section, shall be filed with the name of the birth mother recorded. [If
10 the birth is subject to a gestational agreement, the Department of
11 Public Health shall create a replacement certificate in accordance with
12 an order from a court of competent jurisdiction not later than forty-five
13 days after receipt of such order or forty-five days after the birth of the
14 child, whichever is later.]

15 (c) Upon receipt of a certified copy of an order of a court of
16 competent jurisdiction approving a gestational agreement and issuing
17 an order of parentage pursuant to such gestational agreement, the
18 department shall prepare a replacement certificate for the child born of

19 the agreement in accordance with such order. Such replacement
20 certificate shall include all information required to be included in a
21 certificate of birth of this state as of the date of the birth, except that the
22 intended parent or parents under the gestational agreement shall be
23 named as the parent or parents of the child. When a certified copy of
24 [such] a certificate of birth is requested by an eligible party, as
25 provided in section 7-51, for which a replacement certificate has been
26 created pursuant to this subsection, a copy of the replacement
27 certificate shall be provided. The department shall seal the original
28 certificate of birth in accordance with the provisions of subsection (c)
29 of section 19a-42. Immediately after a replacement certificate has been
30 prepared, the department shall transmit an exact copy of such
31 certificate to the registrar of vital statistics of the town of birth and to
32 any other registrar as the department deems appropriate. The town
33 shall proceed in accordance with the provisions of section 19a-42.

34 Sec. 2. Section 7-36 of the general statutes is repealed and the
35 following is substituted in lieu thereof (*Effective October 1, 2011*):

36 As used in this chapter and sections 19a-40 to 19a-45, inclusive,
37 unless the context otherwise requires:

38 (1) "Registrar of vital statistics" or "registrar" means the registrar of
39 births, marriages, deaths and fetal deaths or any public official charged
40 with the care of returns relating to vital statistics;

41 (2) "Registration" means the process by which vital records are
42 completed, filed and incorporated into the official records of the
43 department;

44 (3) "Institution" means any public or private facility that provides
45 inpatient medical, surgical or diagnostic care or treatment, or nursing,
46 custodial or domiciliary care, or to which persons are committed by
47 law;

48 (4) "Vital records" means a certificate of birth, death, fetal death or
49 marriage;

50 (5) "Certified copy" means a copy of a birth, death, fetal death or
51 marriage certificate that (A) includes all information on the certificate
52 except such information that is nondisclosable by law, (B) is issued or
53 transmitted by any registrar of vital statistics, (C) includes an attested
54 signature and the raised seal of an authorized person, and (D) if
55 submitted to the department, includes all information required by the
56 commissioner;

57 (6) "Uncertified copy" means a copy of a birth, death, fetal death or
58 marriage certificate that includes all information contained in a
59 certified copy except an original attested signature and a raised seal of
60 an authorized person;

61 (7) "Authenticate" or "authenticated" means to affix to a vital record
62 in paper format the official seal, or to affix to a vital record in electronic
63 format the user identification, password, or other means of electronic
64 identification, as approved by the department, of the creator of the
65 vital record, or the creator's designee, by which affixing the creator of
66 such paper or electronic vital record, or the creator's designee, affirms
67 the integrity of such vital record;

68 (8) "Attest" means to verify a vital record in accordance with the
69 provisions of subdivision (5) of this section;

70 (9) "Correction" means to change or enter new information on a
71 certificate of birth, marriage, death or fetal death, within one year of
72 the date of the vital event recorded in such certificate, in order to
73 accurately reflect the facts existing at the time of the recording of such
74 vital event, where such changes or entries are to correct errors on such
75 certificate due to inaccurate or incomplete information provided by the
76 informant at the time the certificate was prepared, or to correct
77 transcribing, typographical or clerical errors;

78 (10) "Amendment" means to (A) change or enter new information
79 on a certificate of birth, marriage, death or fetal death, more than one
80 year after the date of the vital event recorded in such certificate, in

81 order to accurately reflect the facts existing at the time of the recording
82 of the event, (B) create a replacement certificate of birth for matters
83 pertaining to parentage and gender change, or (C) change a certificate
84 of birth, marriage, death or fetal death to reflect facts that have
85 changed since the time the certificate was prepared, including, but not
86 limited to, a legal name change or a modification to a cause of death;

87 (11) "Acknowledgment of paternity" means to legally acknowledge
88 paternity of a child pursuant to section 46b-172;

89 (12) "Adjudication of paternity" means to legally establish paternity
90 through an order of a court of competent jurisdiction;

91 (13) "Parentage" includes matters relating to adoption, gestational
92 agreements, paternity and maternity;

93 (14) "Department" means the Department of Public Health; [and]

94 (15) "Commissioner" means the Commissioner of Public Health or
95 the commissioner's designee; and

96 (16) "Gestational agreement" means a written agreement for assisted
97 reproduction in which a woman agrees to carry a child to birth for an
98 intended parent or intended parents, which agreement (A) names each
99 party to the agreement and indicates each party's respective
100 obligations under the agreement, (B) is signed by each party to the
101 agreement and the spouse of each such party, if any, and (C) is
102 witnessed by at least two disinterested adults and notarized.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	7-48a
Sec. 2	October 1, 2011	7-36

JUD *Joint Favorable Subst.*

PH *Joint Favorable*

